

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

FILED 1/4/22
US DISTRICT CLERK
DAVID O'TOOLE
JC

UNITED STATES OF AMERICA

§
§
§
§
§

v.

GARY DWON GAFFNEY

CRIMINAL NO. 1:21-CR-110
Hon. Marcia A. Crone

FACTUAL BASIS

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, the United States of America, by and through the undersigned Assistant United States Attorney in and for the Eastern District of Texas, joined by **Gary Dwon Gaffney**, defendant, and his counsel of record, **David Barlow**, and presents this factual basis in support of the defendant's plea of guilty to Count One of the indictment filed herein, and, in support thereof, would show the following:

1. That defendant, **Gary Dwon Gaffney**, stipulates and agrees to the truth of all matters set forth in this factual basis, and agrees that such admission may be used by the Court in support of his plea of guilty to Count One of the indictment filed herein, alleging a violation of 18 U.S.C. § 1001(a)(2), False Statements.
2. That the defendant, **Gary Dwon Gaffney**, who is pleading guilty to such charge, is one and the same person charged in Count One of the indictment.
3. That the events described in the indictment occurred in the Eastern District of Texas and elsewhere.
4. That had this matter proceeded to trial, the government, through the testimony of witnesses, including expert witnesses, and through admissible exhibits, would

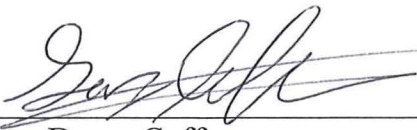
have proven, beyond a reasonable doubt, each and every essential element of the offense alleged in the indictment; specifically, the government would have proven the following stipulated facts:

- a. On August 19, 2021, **Gary Dwon Gaffney (Gaffney)** was arrested on an unrelated warrant for a theft charge from Galveston County, and was booked into the Liberty County Jail.
- b. While in custody, **Gaffney** requested to speak to officers in reference to having knowledge about a plot to bomb the Mickey Leland Federal Building located at 1919 Smith Street in Houston, Texas. That building is a place of public use and a government facility as defined under Title 18, United States Code, Section 2332f.
- c. As a result of this interview, Liberty County Sheriff's Office called the Federal Bureau of Investigation (FBI).
- d. **Gaffney** was read his Advice of Rights, at which time **Gaffney** consented to speak to agents from the FBI without the presence of a lawyer.
- e. **Gaffney** implicated two individuals that he claimed had plans to bomb the federal building and had in fact acquired fertilizer and detonation devices to move forward with this plan.
- f. As a result of **Gaffney's** interview, a search warrant was applied for and obtained out of the Southern District of Texas on August 20, 2021 for a residence.
- g. After the FBI investigation, which included execution of the search warrant and interviewing the alleged involved parties, no evidence confirming **Gaffney's** story was discovered.
- h. **Gaffney** admitted that he had made materially false, fictitious, or fraudulent statements for the purpose of misleading the Federal Bureau of Investigation.

DEFENDANT'S SIGNATURE AND ACKNOWLEDGMENT

5. I have read this factual basis and the indictment, or have had them read to me, and have discussed them with my attorney. I fully understand the contents of this factual basis and agree without reservation that it accurately describes the events and my acts.

Dated: 12-16-2021

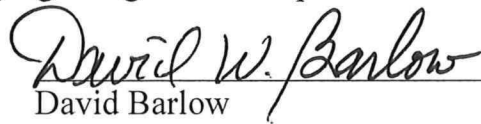


Gary Dwon Gaffney
Defendant

DEFENSE COUNSEL'S SIGNATURE AND ACKNOWLEDGMENT

6. I have read this factual basis and the indictment, and have reviewed them with my client **Gary Dwon Gaffney**. Based upon my discussions with the defendant, I am satisfied that the defendant understands the factual basis as well as the indictment, and is knowingly and voluntarily agreeing to these stipulated facts.

Dated: 12/16/21



David Barlow
Attorney for the Defendant

Respectfully submitted,

BRIT FEATHERSTON
UNITED STATES ATTORNEY



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